

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBINA JENKINS, )  
v. )  
Plaintiff, ) ) CIVIL ACTION  
v. ) NO:2:05cv1049-C  
NANCY WORLEY, individually )  
and in her official capacity as )  
Secretary of State, State of )  
Alabama; et. al., )  
Defendants. )

**MOTION FOR SUMMARY JUDGMENT**

Defendants, by and through the undersigned counsel, hereby file this Motion for Summary Judgment. A brief in support of this Motion is being filed contemporaneously with this Motion.

1. Defendants are entitled to qualified immunity for all claims against them in their individual capacity.
2. Defendants have absolute immunity from damages in their official capacity.
3. Plaintiff's seniority and service ratings were properly considered in the layoff of her position with the Alabama Secretary of State's office.
4. No individual was appointed into Plaintiff's classification after the layoff.
5. No individual was hired into Plaintiff's classification for at least two years after the layoff.

6. Layoffs have a presumption of good faith and Plaintiff failed to properly and timely notify the State Personnel Board otherwise. Moreover, a review of the layoff from the Secretary of State's office shows that it was conducted in accordance with the Rules of the State Personnel Board.

CONCLUSION

Based upon the foregoing, the Defendants respectfully request that this Motion for Summary Judgment be granted, this case be dismissed with prejudice, and that costs be taxed against the Plaintiff.

Respectfully submitted,  
TROY KING  
ATTORNEY GENERAL

/s/Alice Ann Byrne  
Alice Ann Byrne (BYR015)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF Pacer filing system which will send notification of such filing to the following:

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/s/Alice Ann Byrne  
OF COUNSEL